

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____
(Fla. 11th Judicial Cir. Ct. Case No. 23-26350 CA 01)

ROSEMARIE ESTEVEZ

Plaintiff,

v.

CLERK OF COURTS AND
COMPTROLLER MIAMI-DADE COUNTY,
FLORIDA,
JUAN FERNANDEZ-BARQUIN, in his
official capacity as CLERK OF COURTS
AND COMPTROLLER MIAMI-DADE
COUNTY, FLORIDA, and as Clerk for the
Value Adjustment Board of Miami-Dade
County, RISA RUVIN, as Personal
Representative of the Estate of HARVEY
RUVIN, ROBERTO D. ALFARO,
Individually and in his capacity as the
MIAMI-DADE COUNTY CLERK OF
COURTS' VALUE ADJUSTMENT BOARD
MANAGER, MARK MARTINEZ,
Individually, and in his capacity MIAMI-
DADE COUNTY CLERK OF COURTS
SENIOR DEPUTY CLERK, HOBART M.
HENDERSON, Individually, and in his
capacity as MIAMI-DADE CLERK OF
COURTS CHIEF OF STAFF, LIZA
SABOYA-FERNANDEZ, Individually, and
in her capacity as MIAMI-DADE CLERK OF
COURTS HUMAN RESOURCE
DIRECTOR, and BIBIANA CANDAME,
Individually, and in her capacity as MIAMI-
DADE CLERK OF COURTS HUMAN
RESOURCE MANAGER,

Defendants.

_____ /

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants CLERK OF COURTS AND

COMPTROLLER MIAMI-DADE COUNTY, FLORIDA (the “Clerk of Courts”), JUAN FERNANDEZ-BARQUIN, in his official capacity as CLERK OF COURTS AND COMPTROLLER MIAMI-DADE COUNTY, FLORIDA, RISA RUVIN, as Personal Representative of the Estate of HARVEY RUVIN, MARK MARTINEZ, HOBART M. HENDERSON, LIZA SABOYA-FERNANDEZ, and BIBIANA CANDAME (collectively, the “Clerk of Courts Defendants”) file this Notice of Removal and remove this action to the United States District Court for the Southern District of Florida, Miami Division,¹ based on the facts and provisions set forth below:

1. Plaintiff filed a Complaint against multiple Defendants in the Eleventh Judicial Circuit in and for Miami-Dade County on November 12, 2023. The Clerk of Courts was served with a copy of the Complaint on December 15, 2023. On December 18, 2023, Bibiana Candame, Liza Saboya-Fernandez, and Mark Martinez were served with a copy of the Complaint. Risa Ruvin and Hobart M. Henderson were served with a copy of the Complaint on December 19, 2023. Copies of the Complaint and Summons served on the Clerk of Courts Defendants are attached to this notice as Exhibit B.

2. The Complaint asserts federal claims arising under 42 U.S.C. §§ 2000e et seq. (“Title VII”). The federal claims relate to Plaintiff’s allegations of gender discrimination, retaliation, and hostile work environment in violation of Title VII.

3. This Court has original jurisdiction over the federal claims pursuant to 28 U.S.C. § 1331, and the action is therefore removable under 28 U.S.C. § 1441(a) and (b).

4. Venue is proper in the Southern District of Florida Miami Division because the alleged actions took place within Miami-Dade County, Florida.

5. This Notice is being filed within thirty days after service of the Complaint on the Clerk of Courts Defendants. Pursuant to 28 U.S.C. § 1446(a), copies of the summons and Complaint served on the Clerk of Courts Defendants are attached as Exhibit B. All other pleadings or orders filed in the state court action have been attached as Exhibit C.

8. Written notice of the Clerk of Courts Defendants’ removal of this action is being provided to Plaintiff, and a copy of this Notice of Removal is being filed with the Clerk of the State Court.

¹ A civil cover sheet is attached to this notice as Exhibit A.

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9. As stated in the certificate of consent below, all co-defendants who have been properly joined and served with state-court process have joined in or consented to removal. *See Hartford Cas. Ins. Co. v. AIX Specialty Ins. Co.*, No. 23-20250-CIV, 2023 WL 5337528, at *2 (S.D. Fla. July 31, 2023), *report and recommendation adopted sub nom. Hartford Cas. Ins. Co. v. Colony Ins. Co.*, No. 23-20250-CV, 2023 WL 5333128 (S.D. Fla. Aug. 18, 2023) (“Courts in this District...have found that a timely removal containing an averment that a non-removing defendant consented to removal is sufficient to satisfy the rule of unanimity.”) (citing *Strutts v. Enter. Leasing Co. of Fla., LLC*, No. 19-10113-CIV, 2019 WL 6838505, at *3–4 (S.D. Fla. Dec. 16, 2019), *report and recommendation adopted sub nom. Strutts v. Henry*, No. 19-10113-CIV, 2020 WL 9549671 (S.D. Fla. Feb. 18, 2020) (collecting cases from various circuit courts)).

WHEREFORE, Defendants respectfully request that this Court accept and retain removal jurisdiction over this action.

Dated: January 12, 2024

Respectfully submitted,

GERALDINE BONZON-KEENAN
MIAMI-DADE COUNTY ATTORNEY

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Fernandez-Barquin, in His Official Capacity as Clerk
of Courts and Comptroller of Miami-Dade County,
Risa Ruvin, as Personal Representative of the Estate
of Harvey Ruvin, Mark Martinez, Hobart M.
Henderson, Liza Saboya-Fernandez, and Bibiana
Candame

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CERTIFICATE OF CONSENT TO REMOVAL BY CO-DEFENDANTS JUAN FERNANDEZ-BARQUIN, in his official capacity as CLERK OF THE VALUE ADJUSTMENT BOARD, and ROBERT ALFARO, individually and in his capacity as the MIAMI-DADE COUNTY CLERK OF COURTS' VALUE ADJUSTMENT BOARD MANAGER

I hereby certify that the undersigned counsel for the Clerk of Courts Defendants has conferred with counsel for JUAN FERNANDEZ -BARQUIN, in his official capacity as CLERK OF THE VALUE ADJUSTMENT BOARD, and ROBERTO D. ALFARO, individually and in his capacity as the MIAMI-DADE COUNTY CLERK OF COURTS' VALUE ADJUSTMENT BOARD MANAGER (the "Value Adjustment Board Defendants"), co-defendants in the above-described action, and that the Value Adjustment Board Defendants join in and consent to the notice of removal to this Court filed in this action by the Clerk of Courts Defendants, and by joining in and consenting to the notice of removal, the Value Adjustment Board Defendants are in no way waiving any right or ground they have to move to dismiss the Complaint, including but not limited to improper service of process, or any ground they have to defend against this action.

s/Rochelle A. Hall
Assistant County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 12, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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Service by Email